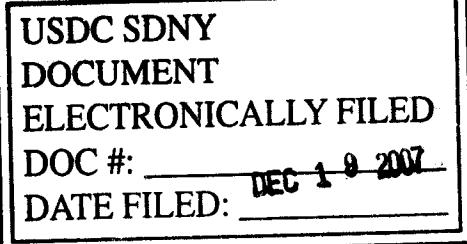


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

- - - - - X  
 :  
 UNITED STATES OF AMERICA : INDICTMENT  
 :  
 -v.- :  
 : S1 07 Cr. 581 (DLC)  
 FRANCISCO VELEZ GOMEZ, :  
 a/k/a "Polin," :  
 a/k/a "Enmanuel Cubilette," :  
 :  
 Defendant. :  
 :  
 - - - - - X  
COUNT ONE



The Grand Jury charges:

1. From in or about September 1998, up to and including in or about February 2006, in the Southern District of New York and elsewhere, FRANCISCO VELEZ GOMEZ, a/k/a "Polin," a/k/a "Enmanuel Cubilette," the defendant, and others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and would and did thereby obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), to wit, VELEZ GOMEZ, and others known and unknown, conspired to commit armed robberies of suspected narcotics traffickers and others involved in commercial activities that affected interstate commerce.

Overt Acts

2. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about September 17, 1998, FRANCISCO VELEZ GOMEZ, a/k/a "Polin," a/k/a "Enmanuel Cubilette," the defendant, and others known and unknown, forced a male victim ("Victim-1") into a car at gunpoint, handcuffed Victim-1, and drove to Victim-1's home in the Bronx, New York, where Victim-1's wife gave cash to VELEZ GOMEZ.

b. On or about November 6, 1998, FRANCISCO VELEZ GOMEZ, a/k/a "Polin," a/k/a "Enmanuel Cubilette," the defendant, and others known and unknown, was present in a car with four loaded handguns, fake police badges, a police siren, flex cuffs, and duct tape, in the vicinity of 109th Street, New York, New York.

c. On or about January 9, 2002, FRANCISCO VELEZ GOMEZ, a/k/a "Polin," a/k/a "Enmanuel Cubilette," the defendant, and others known and unknown, stole \$29,000 from a commercial business that affected interstate commerce at 572 West 207th Street in New York, New York, during a gunpoint robbery.

d. In or about late June 2002, FRANCISCO VELEZ GOMEZ, a/k/a "Polin," a/k/a "Enmanuel Cubilette," the defendant,

and others known and unknown, abducted a male victim ("Victim-2") at gunpoint in the vicinity of Bryant Avenue in the Bronx, New York, and interrogated Victim-2 in an attempt to determine the location of kilograms of narcotics.

e. In or about late 2003 or early 2004, FRANCISCO VELEZ GOMEZ, a/k/a "Polin," a/k/a "Enmanuel Cubilette," the defendant, and others known and unknown, grabbed a suitcase from a woman in the vicinity of Clay Avenue in the Bronx, New York, in an attempt to steal narcotics.

f. In or about early 2004, FRANCISCO VELEZ GOMEZ, a/k/a "Polin," a/k/a "Enmanuel Cubilette," the defendant, and others known and unknown, attempted to kidnap a male victim ("Victim-3") in the vicinity of Bedford Park Boulevard and Marion Avenue, Bronx, New York, in order to extract information from Victim-3 about the location of narcotics and narcotics proceeds.

g. In or about early 2004, FRANCISCO VELEZ GOMEZ, a/k/a "Polin," a/k/a "Enmanuel Cubilette," the defendant, and others known and unknown, while posing as police officers, worked together to rob two suspected narcotics traffickers of approximately \$70,000 in cash in the vicinity of Beach Avenue in the Bronx, New York, during which robbery VELEZ GOMEZ shot at the suspected narcotics traffickers.

h. On or about July 20, 2004, FRANCISCO VELEZ GOMEZ, a/k/a "Polin," a/k/a "Enmanuel Cubilette," the defendant,

and others known and unknown, attempted to commit an armed robbery of a woman ("Victim-4") they believed to be in possession of narcotics and narcotics proceeds at 5025 Broadway, New York, New York, during which attempted robbery Victim-4 was gagged and bound with telephone wires, and a blanket was placed over the head of Victim-4's child.

i. In or about the middle-to-late 2004, FRANCISCO VELEZ GOMEZ, a/k/a "Polin," a/k/a "Enmanuel Cubilette," the defendant, and others known and unknown, worked together to rob two suspected narcotics traffickers of approximately \$118,000 in cash in the vicinity of Ryer Avenue and East 182nd Street in the Bronx, New York, during which robbery the suspected narcotics traffickers were bound.

j. On or about December 18, 2004, FRANCISCO VELEZ GOMEZ, a/k/a "Polin," a/k/a "Enmanuel Cubilette," the defendant, and others known and unknown, attempted to rob a location in Union City, New Jersey, in search of narcotics proceeds.

(Title 18, United States Code, Section 1951.)

COUNT TWO

The Grand Jury further charges:

3. In or about late June 2002, in the Southern District of New York, FRANCISCO VELEZ GOMEZ, a/k/a "Polin," a/k/a "Enmanuel Cubilette," the defendant, and others known and

unknown, unlawfully, willfully, and knowingly did attempt to commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and would thereby have obstructed, delayed, and affected commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), to wit, VELEZ GOMEZ, and others known and unknown, abducted a male victim ("Victim-2") at gunpoint in the vicinity of Bryant Avenue in the Bronx, New York, and interrogated Victim-2 in an attempt to determine the location of kilograms of narcotics.

(Title 18, United States Code, Sections 1951 and 2.)

COUNT THREE

The Grand Jury further charges:

4. In or about late 2003 or early 2004, in the Southern District of New York, FRANCISCO VELEZ GOMEZ, a/k/a "Polin," a/k/a "Enmanuel Cubilette," the defendant, and others known and unknown, unlawfully, willfully, and knowingly did attempt to commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and would thereby have obstructed, delayed, and affected commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), to wit, VELEZ GOMEZ, and others known and unknown, stole a suitcase they

believed contained narcotics from a woman in the vicinity of Clay Avenue, Bronx, New York.

(Title 18, United States Code, Sections 1951 and 2.)

COUNT FOUR

The Grand Jury further charges:

5. In or about early 2004, in the Southern District of New York, FRANCISCO VELEZ GOMEZ, a/k/a "Polin," a/k/a "Enmanuel Cubilette," the defendant, and others known and unknown, unlawfully, willfully, and knowingly did attempt to commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and would thereby have obstructed, delayed, and affected commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), to wit, VELEZ GOMEZ, and others known and unknown, attempted to kidnap a male victim ("Victim-3") in the vicinity of Bedford Park Boulevard and Marion Avenue, Bronx, New York, in order to extract information from Victim-3 about the location of narcotics and narcotics proceeds.

(Title 18, United States Code, Sections 1951 and 2.)

COUNT FIVE

The Grand Jury further charges:

6. In or about early 2004, in the Southern District of New York, FRANCISCO VELEZ GOMEZ, a/k/a "Polin," a/k/a

"Enmanuel Cubilette," the defendant, and others known and unknown, unlawfully, willfully, and knowingly did commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b) (1), and did thereby obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b) (3), to wit, VELEZ GOMEZ, and others known and unknown, while posing as police officers, worked together to rob two suspected narcotics traffickers of approximately \$70,000 in cash in the vicinity of Beach Avenue in the Bronx, New York, during which robbery VELEZ GOMEZ shot at the suspected narcotics traffickers.

(Title 18, United States Code, Sections 1951 and 2.)

COUNT SIX

The Grand Jury further charges:

7. In or about early 2004, FRANCISCO VELEZ GOMEZ, a/k/a "Polin," a/k/a "Enmanuel Cubilette," the defendant, unlawfully, willfully, and knowingly, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, namely, the armed robbery charged in Count Five of this Indictment, did use and carry a firearm, and, in furtherance of such crime, did possess a firearm, which VELEZ GOMEZ discharged at another individual, in the vicinity of Beach Avenue in the Bronx, New York.

(Title 18, United States Code, Sections 924(c)(1)(A)(iii) and 2.)

COUNT SEVEN

The Grand Jury further charges:

8. On or about July 20, 2004, in the Southern District of New York, FRANCISCO VELEZ GOMEZ, a/k/a "Polin," a/k/a "Enmanuel Cubilette," the defendant, and others known and unknown, unlawfully, willfully and knowingly did attempt to commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and would thereby have obstructed, delayed, and affected commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), to wit, VELEZ GOMEZ, and others known and unknown, attempted to commit an armed robbery of a woman ("Victim-4") they believed to be in possession of narcotics and narcotics proceeds at 5025 Broadway, New York, New York, during which attempted robbery Victim-4 was gagged and bound with telephone wires, and a blanket was placed over the head of Victim-4's child.

(Title 18, United States Code, Sections 1951 and 2.)

COUNT EIGHT

The Grand Jury further charges:

9. In or about middle-to-late 2004, in the Southern District of New York, FRANCISCO VELEZ GOMEZ, a/k/a "Polin," a/k/a "Enmanuel Cubilette," the defendant, and others

known and unknown, unlawfully, willfully, and knowingly did commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and did thereby obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), to wit, VELEZ GOMEZ, and others known and unknown, worked together to rob two suspected narcotics traffickers of approximately \$118,000 in cash in the vicinity of Ryer Avenue and East 182nd Street in the Bronx, New York, during which robbery the suspected narcotics traffickers were bound.

(Title 18, United States Code, Sections 1951 and 2.)

COUNT NINE

The Grand Jury further charges:

10. In or about middle-to-late 2004, in the Southern District of New York, FRANCISCO VELEZ GOMEZ, a/k/a "Polin," a/k/a "Enmanuel Cubilette," the defendant, unlawfully, willfully, and knowingly, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, namely, the robbery charged in Count Eight of this Indictment, did use and carry a firearm, and, in furtherance of such crime, did possess a firearm, and did aid and abet the use, carrying, and possession of a firearm, which was brandished during the robbery referenced in Count Eight.

(Title 18, United States Code, Sections 924(c)(1)(A)(ii), 924(c)(1)(C)(i) and 2.)

COUNT TEN

11. From at least in or about September 1998, up to and including in or about February 2006, in the Southern District of New York and elsewhere, FRANCISCO VELEZ GOMEZ, a/k/a "Polin," a/k/a "Enmanuel Cubilette," the defendant, and others known and unknown, unlawfully, intentionally, and knowingly did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

12. It was a part and an object of the conspiracy that FRANCISCO VELEZ GOMEZ, a/k/a "Polin," a/k/a "Enmanuel Cubilette," the defendant, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, to wit, five kilograms and more of mixtures and substances containing a detectable amount of cocaine, in violation of Sections 812, 841(a)(1), and 841(b)(1)(A) of Title 21, United States Code.

13. It was further a part and an object of the conspiracy that FRANCISCO VELEZ GOMEZ, a/k/a "Polin," a/k/a "Enmanuel Cubilette," the defendant, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, to wit, one kilogram and more of mixtures and substances containing a detectable amount of

heroin, in violation of Title 21, United States Code, Sections 812, 841(a)(1), and 841(b)(1)(A).

(Title 21, United States Code, Section 846.)

Brennan Dwyer  
FOREPERSON

M. Michael J. Garcia  
MICHAEL J. GARCIA *SMG*  
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v -

FRANCISCO VELEZ GOMEZ,  
a/k/a "Polin,"  
a/k/a "Enmanuel Cubilette"

Defendant.

INDICTMENT

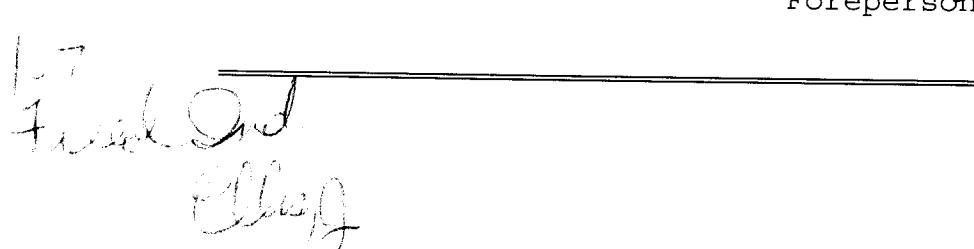
07 Cr. 581 (DLC)

(Title 18, United States Code,  
Section 1951 and Title 18, United States  
Code, Section 924(c); Title 21, United  
States Code, Section 846.)

MICHAEL J. GARCIA  
United States Attorney.

A TRUE BILL

  
Michael J. Garcia  
Foreperson.

  
Frank J. O'Donnell  
Chief